

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

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Igor BELEGRADEK, A98-728-751,  
Bella BELEGRADEK, A98-728-753

Plaintiffs,

v.

MICHAEL MUKASEY, Attorney General  
of the United States;  
MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security;  
ROBERT MUELLER, Director, Federal  
Bureau of Investigation of the United States  
DENIS RIORDAN, Director,  
Atlanta Office, U.S. Citizenship and  
Immigration Services; and  
EMILIO T. GONZALEZ, Director, U.S.  
Citizenship and Immigration Services

Defendants.

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Civil Action No.  
1:07-CV-0589-RWS

**PLAINTIFFS' MOTION TO DISMISS**

Plaintiffs, Igor Belegradek and Bella Belegradek (hereinafter "Plaintiffs"), through undersigned counsel, move this Court to dismiss their Complaint for Writ of Mandamus against the Defendants as Defendants have taken action on

Plaintiffs' long-pending Applications to Adjust Status to Permanent Resident, making the basis of their Petition moot.

Plaintiffs' Applications to Adjust Status to Permanent Resident had been pending with the U.S. Citizenship & Immigration Services since February 25, 2005. No action had been taken by Defendants to process Plaintiffs' applications.

On March 13, 2007, Plaintiffs filed a Complaint for Writ of Mandamus against Defendants in this Court to compel the Defendants to adjudicate their Applications.

On January 16, 2008, Plaintiffs received correspondence from the U.S. Citizenship & Immigration Services indicating that their Applications had been approved. [See Exhibit A, copy of Approval Notices from USCIS].

The primary issue behind Plaintiffs' Complaint for Writ of Mandamus was to obtain the adjudication of their Applications for permanent residence. Because the Defendants have now responded by moving forward with the adjudication of Plaintiffs' Applications, the central issue in this case is now moot.

Under Rule 41(a)(1) of the Federal Rules of Civil Procedure, allowing a plaintiff (or petitioner) to voluntarily dismiss their case, Plaintiffs respectfully request this Court to dismiss their Complaint for Writ of Mandamus.

Respectfully submitted this 31st day of January, 2008.

KUCK CASABLANCA & ODOM, LLC

\signed: Charles H. Kuck\

Charles H. Kuck  
Georgia Bar No. 429940  
Attorney for Plaintiffs  
8010 Roswell Road, Suite 300  
Atlanta, GA 30350  
Tel: (404) 816-8611  
Fax: (404) 816-8615

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record in the foregoing matter with one copy of each of the foregoing **PLAINTIFF'S MOTION TO DISMISS**, having *delivered by first class mail, postage prepaid*, a copy of same as follows:

U.S. Attorney  
Suite 1800 Richard Russell Building  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

this 31st day of January, 2008.

\signed: Charles H. Kuck\

Charles H. Kuck  
Georgia Bar No. 429940  
Kuck Casablanca & Odom, LLC  
8010 Roswell Road, Suite 300  
Atlanta, GA 30350  
Tel: (404) 816-8611  
Fax: (404) 816-8615

# EXHIBIT A

U.S. Department of Homeland Security



U.S. Citizenship  
and Immigration  
Services

2150 Parklake Drive NE, 3rd Floor  
Atlanta, Georgia 30345

A-File: A98 728 751

Date: January 16, 2008

Igor Belegradek  
c/o

1011 Muirfield Drive  
Marietta, GA 30068

Dear Sir/Madam:

This is to notify you that your Application for Lawful Permanent Residence has been approved. This means that you are now a lawful permanent resident of the United States. Your Permanent Resident Card will be mailed to you directly from the CIS Service Center servicing your state of residence. You should be receiving your card within the next 9 to 12 months.

If you need temporary evidence of your permanent resident status prior to receiving your card, you may make an appointment through the INFOPASS System to bring this letter to our Information Counter, located at the above address, to receive a stamp reflecting your new status in your passport. INFOPASS can be accessed via the Internet by going to [www.infopass.usins.gov](http://www.infopass.usins.gov).

For information about office hours and other immigration related topics please call the following number: **(800) 375-5283**

Sincerely,

A handwritten signature in black ink, appearing to read "P. Hutchings", is written over the word "Sincerely,".

Pamela G. Hutchings  
Field Office Director

cc:



**Note: This letter is not evidence of Lawful Permanent Residence**

U.S. Department of Homeland Security



U.S. Citizenship  
and Immigration  
Services

2150 Parklake Drive NE, 3rd Floor  
Atlanta, Georgia 30345

A-File: A98 728 753

Date: January 16, 2008

Bella Belegradek  
c/o  
1011 Muirfield Drive  
Marietta, GA 30068

Dear Sir/Madam:

This is to notify you that your Application for Lawful Permanent Residence has been approved. This means that you are now a lawful permanent resident of the United States. Your Permanent Resident Card will be mailed to you directly from the CIS Service Center servicing your state of residence. You should be receiving your card within the next 9 to 12 months.

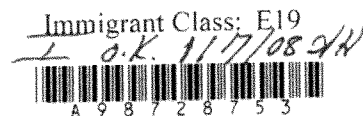
If you need temporary evidence of your permanent resident status prior to receiving your card, you may make an appointment through the INFOPASS System to bring this letter to our Information Counter, located at the above address, to receive a stamp reflecting your new status in your passport. INFOPASS can be accessed via the Internet by going to [www.infopass.usins.gov](http://www.infopass.usins.gov).

For information about office hours and other immigration related topics please call the following number: **(800) 375-5283**

Sincerely,

Pamela G. Hutchings  
Field Office Director

cc:



**Note: This letter is not evidence of Lawful Permanent Residence**